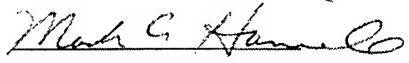


LAW OFFICES OF MARK A. HAMIIL, P.C.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group:	1761	}	
		}	
Application	10/806,940	}	<u>CERTIFICATE OF DELIVERY</u>
Invention:	Single Serving Silicone Receptacle	}	
Applicant:	Richard B. Finnie II	}	I hereby certify that this paper is
		}	being filed electronically on
		}	December 20, 2007.
Filed:	March 23, 2004	}	
		}	
Attorney		}	Registration No. <u>37,145</u>
Docket:	MR-102	}	
		}	Attorney for Applicant
Examiner:	Niki Eloshway	}	

DECLARATION OF RICHARD B. FINNIE II UNDER 37 CFR §1.132

1. I, Richard B. Finnie II, hereby declare as follows:
2. I have over twenty (20) years of experience in production tooling manufacture and design, with extensive experience in designing injection mold tooling, particularly with regard to molds for use in molding liquid silicone rubber.
3. I first designed tooling for use in molding parts from liquid silicone rubber in the 1980s.
4. I am the inventor of the subject matter claimed in the above referenced United States Patent Application identified by U.S. Ser. No.10/806,940.
5. The injection molding of products from silicone rubber provides a variety of technical challenges that are not typically encountered when designing tooling for molding parts from traditional plastic resins.

6. I am the owner of M.R. Mold & Engineering Corporation. At M.R. Mold, we have developed expertise in the manufacturer of tooling designs for use in the injection molding of silicone rubber products.
7. In the summer of 2003, I began thinking about attempting to manufacture a unique silicone promotional item to distribute at two trade shows in January of 2004 in order demonstrate M.R. Mold's tool design expertise in making silicone rubber tools.
8. I thought that making a muffin/cupcake liner of silicone might be the unique tradeshow item I had been seeking.
9. In the fall of 2003, we at M.R. Mold developed a tool for manufacturing the silicone rubber liners.
10. After some trial and error with the liner tooling and silicone molding processes, M.R. Mold was able to produce silicone liners in which I successfully baked cupcakes and muffins within the scope of the pending claims of the '940 patent application.
11. Surprisingly, I found that the silicone liners that I made were both flexible enough to assist in release of the baked cupcake or muffin, and were sufficiently rigid to hold cupcake or muffin batter without additional lateral support so they could also serve as stand alone cupcake/muffin molds.
12. This was particularly surprising to me since I knew that silicone rubber is relatively flexible and that the prior silicone bake ware containers that I was familiar with included a rim or ridge structure along the upper periphery of the container to increase the structural stability of the container.
13. M.R. Mold manufactured over a thousand liner molds in advance of two trade shows in the January 2004 (MD&M show in Anaheim, California; Info Tech in Milwaukee, Wisconsin.)
14. It was my expectation that number of liners/molds we had manufactured would be sufficient to provide promotional giveaways at industry tradeshow for at least the next several years.
15. At both shows, I was shocked at the enthusiasm with which the silicone liners/molds were received by many other exhibitors and show attendees.
16. In fact, the staff of other exhibitors returned to our booth repeatedly to secure more liners/molds and some of them gathered up promotional items and samples from other vendors at the show in order to trade them for our promotional liners/molds.

By the end of the second show, we had substantially exhausted our supply of promotional liners/molds and had to begin another production run.

17. Both the MD&M show and the Infotech show are attended by a significant number of manufacturers of silicone rubber products and several of those vendors expressed their belief that our liners/molds were unique.
18. After the shows, I contacted a patent attorney to conduct a patentability search and contacted a distributor of silicone baking products to see if they thought our liners/molds might have commercial potential.
19. The distributor, Regency Wraps, Inc., encouraged us to manufacture the liners/molds.
20. Regency Wraps was able to sell our liners to Sur La Table, William Sonoma, and Bakers Catalogue soon after agreeing to distribute our liners/molds.
21. In late 2005, M.R. Mold's liners/molds were featured on the popular TV Program "I Want That," on HGTV.
22. In that show, a professional chef demonstrated one of the advantages of our liners/molds, that is, being able to bake large numbers of cupcakes in a single batch by tightly arranging our liners/molds on a large cookie sheet.
23. To date, M.R. Mold has sold over 1.7 million units of liners/molds through high end distribution channels at prices as high as \$19.95 for twelve smaller sized cups and \$15.95 for six larger cups.
24. M.R. Mold's distributor has been able to sell about \$2 million worth of liners at retail through the high end specialty kitchenware retail channels.
25. Other manufacturers of Silicone products began to copy our products almost immediately after their introduction.
26. By 2005, we had seen at least three other manufacturers selling copycat liners.
27. By 2006, the number of copycat manufacturers had risen to at least six.
28. By 2007, the number of copycat manufacturers had mushroomed to at least twelve.
29. These copycat competitors are selling liners through mass merchandising channels of trade, like Kohl's, Target; Crate & Barrel; Bed, Bath & Beyond; Michaels Craft Stores; JoAnns Crafts; K-Mart; Amazon.com as well as through direct internet sales from manufacturers to consumers.

30. The copycat manufacturers are believed to source their products from outside the United States and are therefore able to sell their liners at lower prices than M.R. Mold of about \$10/dozen through these mass merchandising channels.
31. Regency Wraps has done some investigation of the copycat sales volume and conservatively estimates that at least thirty million of units have been sold through the mass merchandizing channels.
32. Regency Wraps also conservatively estimates that the copycat manufacturers have sold about \$30 million dollars of liners at retail.
33. I am aware that professional chefs and confectioners have been utilizing silicone bake ware and food molds for at least thirty years as is illustrated by U.S. Patent No. 4,068,993, which was filed in the United States in 1975.
34. To my knowledge, despite the long history of such silicone molds and bake ware, no one had ever manufactured individual cupcake/muffin liners (or molds) from silicone rubber prior to my invention.
35. After my invention, there has been a constantly increasing pool of copycat manufacturers which I believe are currently misappropriating my invention.
36. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.



Richard B. Finnie II